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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,258	08/27/2003	David S. Benco	27-20-20-21-20	7204

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Lucent Technologies Inc.
Docket Administrator
(Room 3J-219)
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/649,258

Applicant(s)

BENCO ET AL.

Examiner

Tu X. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments with respect to claims 1 and 8 have been considered but are moot in view of previous ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-3, 5-9 and 11-12, are rejected under 35 U.S.C. 102(e) as being anticipated by Huomo et al. (US Pub. 2003/0022671).

Regarding claim 1, Huomo et al. disclose a method comprising a switching element performing the steps of:

receiving, from a party engaged in an active call, a user initiated request for transfer of the call from a first communication unit to a pre-provisioned second communication unit associated with the party (see par.032);

responsive to the request, consulting a database to determine the second communication unit (see par.021, 0027);

while maintaining a telephonic connection (see par.024) to the first communication unit, attempting to establish a telephonic connection to the second communication unit (see par.0032);

if the connection to the second communication unit is established, dropping the connection to the first communication unit, thereby transferring the call from the first communication unit to the second communication unit of the party (see par.024).

Regarding claims 2 and 11, Huomo et al. disclose the step of receiving a request for transfer (see par.012, the cellular telephone sends a signal to a mobile switching center" corresponds to "receiving a request") is accomplished without receiving a directory number of the second communication unit (see par.012, the switching is done automatically without a specified destination address information from the communication unit).

Regarding claims 3 and 9, Huomo et al. disclose the first communication unit comprises a mobile phone and the second communication unit comprises a landline phone associated with the party (see par.002).

Regarding claim 5, Huomo et al. disclose if the connection to the second communication unit is not established sending a message to the first communication unit indicating that the requested transfer did not occur (see par.031).

Regarding claim 6, Huomo et al. disclose the step of consulting a database comprises resulting the database to determining a directory number of the second communication unit (see par.021, 027).

Regarding claim 7 is rejected with similar reasons set forth for claims 5 and 6.

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Regarding claim 8, Huomo et al. disclose a method comprising a switching element performing of:

receiving, from a first communication unit, a user initiated call transfer request (see par.032);

responsive to the call transfer request, consulting a database including indicia of the first communication unit and indicia of a second communication unit to which call transfer may be directed from the communication unit, the switching element identifying the second communication unit coincident to consulting the database (see par.021, 027); and

transferring the call from the first communication unit to the second communication unit (see par012).

Regarding claim 12, Huomo et al. disclose the step of transferring the call comprises: while maintaining a telephonic connection to the first communication unit, establishing a telephonic connection to the second communication unit (see par.024); after the connection to the second communication unit is established, dropping the connection to the first communication unit (see par.024).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huomo et al. (US Pub. 2003/0022671).

Regarding claims 4 and 10, Huomo et al. disclose the first communication unit comprises a mobile phone and the second communication unit comprises a landline phone of the party (see par.002). Huomo et al. fail to disclose the first communication unit comprises a landline phone and the second communication unit comprises a mobile phone. However, the call transfer method is switched connection automatically, at the network level by a mobile switching center and optionally respond for switching by pushing button may be on a landline phone (see par.012, 032). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Huomo et al. to provide a call transfer from a mobile to a landline phone or vice versa without a required call transfer feature in a landline phone.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



February 9, 2007


EDWARD F. URBAN

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600